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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/648,369	08/27/2003	Yasumi Matsuno	P23835	3704
7055 7590 10/30/2008 GREENBLUM & BERNSTEIN, P.L.C. 1950 ROLAND CLARKE PLACE RESTON, VA 20191			EXAMINER YOO, JASSON H	
			ART UNIT	PAPER NUMBER
			3714	
			NOTIFICATION DATE	DELIVERY MODE
			10/30/2008	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

gbpatent@gbpatent.com  
pto@gbpatent.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/648,369	<b>Applicant(s)</b> MATSUNO ET AL.	
	<b>Examiner</b> Jasson H. Yoo	<b>Art Unit</b> 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 August 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 23, 25-34, 36-42 and 44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 23, 25-34, 36-42, 44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 44 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claim recites, "wherein a time unit of a virtual concept in the video game is updated in a non-cyclic manner, and wherein the rules, determined by the rule judge, are not repeated as the player character moves between footholds". Applicant's specification does not teach that a time unit is update in a "non-cyclic manner". Furthermore, Applicant's specification does not teach the rules are "not repeated". Additionally, Applicant's specification does not teach player character moving between "footholds".

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 23, 25-26, 28, 30, 32-34, 37-42 are rejected under 35 U.S.C. 102(b) as being anticipated "Dorimaga" (Vol. 19, no.20, circulated on September 14 2002).

Dorimaga discloses game aspects of the role playing game, Final Fantasy Tactics Advance (FFT-A). A video game apparatus is inherently required to play the game FFT-A. An input device is inherently required to allow a user to perform game play actions, and a display device is inherently required to display the video game. Dorimaga discloses that in FFT-A is a role playing game in which a character (characters in page 55) is controlled to move within a map (Pages 55-57 disclose characters within a map. Furthermore page 54, marked section 7 discloses moving from base to another base. Thus a virtual map comprises a plurality of bases.). These locations in which the player character moves to are predetermined locations, because the player or the game designates the location of the character. Throughout the game play laws are provided with corresponding penalties (page 56, marked section 3). Marked sections on pages 56-57 disclose various types of laws. Various penalties are imposed when the laws are violated (page 57, marked section 1, 5, 8). Dorimaga additionally discloses that FFT-A comprises a counter which counts the number of days (page 56, marked section 7). As the counter is updated, the content of the Law is changed (page 56, marked section 7).

Dorimaga further discloses the following:

Claims 23, 25, 37, 39, 41. See rejection above. The claimed terms movement instruction input section, movement section, time lapse section rule storage, rule judge, and rule violation determiner is interpreted as components of a game program stored on a recordable medium. As discussed above, Dorimaga discloses the game FFT-A performs these functions in the game. The video game apparatus inherently comprises a processor to perform the game program such as imposing a predetermined penalty (Penalties are predetermined according to the updated rules. For example, page 57, marked sections 4-5 discloses that it is predetermined yellow cards and exits as penalties.).

Claim 26. The rule applicable is divided into multiple groups and the judge determines a rule that belongs to a group in accordance with the update time unit as the rule applicable when the video game advances (Page 56, marked portion 3 discloses different groups of rules that can be applicable. These rules are updated to the Law as the time unit is updated, page 56, marked portion 7.).

Claim 28. See rejection above. The characteristic value storage is interpreted as a component in the game program stored in a computer readable medium, in which the game program stores character information. Dorimaga the penalty may be status-down, or fine, which is associated with a game character.

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Claim 30. Dorimaga discloses the player character can execute multiple type of operations (use arms, magic, page 56, marked section 3) and the penalty processor limits the types of operating that can be executed by the player to impose the penalty (page 57, marked portion 2).

Claims 32, 33. See rejections above. Furthermore, the video game apparatus comprises an item storage that stores items provided to the player as the video game progresses (this is interpreted as a component in the game program stored in a computer readable medium, in which the game program stores player items), and wherein the penalty processor deletes a predetermined item stored in the item storage to impose the penalty (Page 57 marked section 8 discloses the player can be fined. Thus money is deleted from the player.).

Claims 34, 38, 40, 42. Dorimaga discloses the video game apparatus comprising a violation history storage that stores a history of determined violation (this is interpreted as a component in the game program stored in a computer readable medium, in which the game program stores player penalty information), wherein the penalty processor imposes the predetermined penalty based on the stored history of violations (stores history of violations that leads to yellow cards (page 57 marked section 5).

Claim 36. See rejections for claims 23 and 34 above.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 27, 29, 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over "Dorimaga" (Vol. 19, no.20, circulated on September 14 2002).

Claim 27. Dorimaga discloses the contents of the law comprise a plurality of rules (page 56, marked section 3). However, Dorimaga fails to teach the number of rules applicable is at least two, wherein the ruled judge increases the number of rules applicable when the video game advances. Nevertheless, such modifications would have been obvious to one of ordinary skilled in the art. As discussed above Dorimaga discloses FFA-T comprises a plurality of rules that can be applicable. Furthermore, the Law changes as the game advances (content of the Law changes as the number of days passes, page 56, marked section 7). Adding the number of rules applicable is another way of changing the Law. Therefore it would have been obvious to one of ordinary skilled in the art at the time the invention was made to modify FFA-T and increase the number of rules applicable in order to change the content of the Law.

Claims 29, 31. Dorimaga discloses an input device to control a character and a penalty processor to impose a penalty on the player (see arguments above). Dorimaga

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further discloses FFA-T comprises a plurality of game characters (page 55). However, Dorimaga fails to specifically teach that multiple play characters can be controlled from the instruction input device. Nevertheless it is implied that multiple characters can be controlled or would have been obvious to control multiple characters from the input device. Dorimaga specifically discloses the player characters have different classes (warrior groups, magicians, Page 56, marked portion 3). Thus it is implied that the player can control a plurality of game characters (for example a type of warrior or a type of magician) or would have been obvious to one of ordinary skilled in the art to modify FFA-T and allow players control a plurality of game characters in order to allow the players to "battle" (page 56 marked section 1) with a plurality of game characters that are offered in the game (warrior groups, magicians, Page 56, marked portion 3).

### ***Response to Arguments***

Applicant's arguments with respect to claims 23, 25-34, 36-42, and 44 have been considered but are moot in view of the new ground(s) of rejection.

Claim 43 has been rejected under 112 first paragraph for failing to comply with the written description requirement. The claim limitation of "a time unit of a virtual concept in the video game is updated non-cyclic manner" has been added to claim 44. Applicant argues that paragraph 70 and 77 in Applicant's specification provide support for the limitation of non-cyclic manner. However, paragraphs 70 and 77 disclose that time unit counts the number of days and updates the date. Counting the number of



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days, and updating the date appears to be cyclic. There is nothing in the specification that counting the number of days or updating the date is non cyclic (or random).

Claim 44 is rejecting under 112 first paragraph for failing to comply with the written description requirement. Furthermore, Applicant's specification does not teach the rules are "not repeated". Applicant argues that the specification discloses that rules determined by the ruled judge are not repeated because as the time unit is updated the rules are updated based on the unique updated time unit. Because the updated time unit is always unique and does not repeated, the updated rules are also unique. However the rules itself does not necessarily incorporate the update time. The rules are only updated as the time is updated. Just because the update time may be unique, the rules are not necessarily unique as well. Furthermore, a new update rule may be unique from a previous rule, and yet have a common repeated rule. For example update rule may be: no black magic and as no white magic is allowed. Where as the previous rule may be: no white magic is allowed. The updated rule is unique because it now has no black magic in addition to no white magic. Furthermore, regarding claim 44, Applicant's specification does not teach the limitation of "the rules, determined by the rule judge, are not repeated as the player character moving between 'footholds'".

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jasson H. Yoo whose telephone number is (571)272-5563. The examiner can normally be reached on 9:00am - 5:00am.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dmitry Suhol can be reached on (571) 272-4430. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dmitry Suhol/  
Supervisory Patent Examiner, Art  
Unit 3714

JHY